

REMARKS/ARGUMENTS

In the Office Action dated December 2, 2005, the Examiner 1) rejected claims 9-16 under 35 U.S.C. § 112, second paragraph, as being indefinite; 2) rejected claims 1-5, 7-13, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by *Deibert* (U.S. Patent 4,336,728); 3) rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* (U.S. Patent 3,490,317) or *Kress* (U.S. Patent 1,957,462); 4) rejected claims 1-16 under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 1-37 of U.S. Patent 6,282,992; and 5) provisionally rejected claims 1-16 under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 21-25, 40, 41, 57, and 59-69 of copending application No. 09/942,061.

In responding to the rejections below, Applicant makes arguments addressed to specific claims. Applicant's arguments are intended to be limited to the claims to which they are addressed. Such arguments are not intended to apply to similar language in other claims not expressly addressed by the arguments.

Rejections based on 35 U.S.C. § 112, second paragraph

Claims 9-16 were rejected under 35 U.S.C. § 112, second paragraph. Claim 9 has been amended to provide the proper antecedent basis for "the axis." Claims 9-16 now comply with the requirements of 35 U.S.C. § 112, second paragraph.

Rejections based on 35 U.S.C. § 102(b) and § 103(a)

The Examiner rejected claims 1-5, 7-13, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by *Deibert* and rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* or *Kress*. Claims 3-4 and 11-12 have been cancelled.

Claims 1, 2, and 9 have been amended to clarify that the pawl is a sliding pawl and that the switch member is switchable between two positions for sliding the pawl between a first location and a second location so as to change ratcheting direction of the drive member. The amendments to claims 1 and 2 also include that the pawl is movable between two locations so as to change the ratcheting direction and that the pawl engages a different portion of a wall of the cavity in each location. The amendments to claim 9 further include that when the pawl is in the first location, the center of the pawl is located in a different location than the center of the pawl when the pawl is located in the second location. These amendments are made so as to differentiate the sliding pawl of the claimed invention

from the pivoting pawls found in each of the cited references. Figures 1-5 and 7-9 of the instant application clearly show a sliding pawl that is moved between two distinct locations so as to change the ratcheting direction of the drive member. A sliding pawl that slides between two locations it is fundamentally different from, and thus can not be anticipated by, a pivoting pawl that pivots about an axis between two positions.

Each of the cited references teaches a biasing mechanism for a pivoting pawl that pivots about an axis between two positions while the center of the pawl remains stationary. Biasing mechanisms for pivoting pawls seek to impart a purely rotational movement in the pivoting pawl. This movement pivots the pawl about an axis between two orientations engaged with a gear wheel. The biasing mechanism then allows the pawl to pivot slightly so as to allow rotation of the gear wheel in one direction.

Biasing mechanisms used with sliding pawls operate distinctly different in that the biasing mechanism slides the pawl from a first location to a second location engaged with a gear wheel. During ratcheting, the sliding pawl biasing mechanism allows the pawl to slide out of engagement with the gear wheel so as to allow rotation of the gear wheel in one direction. It was found that the sliding movement of the pawl allows the pawl to be moved to a position in which more ratchet teeth of the pawl are firmly engaged with the teeth of the drive member when the handle is operated in a direction for driving a fastener than in tools with a pawl that merely pivots around a fixed center. (see Figs. 3, 5, and 8). The torque-capacity of the reversible ratchet-type wrench in accordance with the present invention is thus increased as compared to pivoting pawls.

As discussed above none of *Deibert*, *Rozmus*, or *Kress* teach a pivoting pawl as is claimed in the amended claims. Therefore, the claims as amended are not anticipated by *Deibert* or obvious over a combination of *Deibert* and *Rozmus* or *Kress*.

Double Patenting Rejections

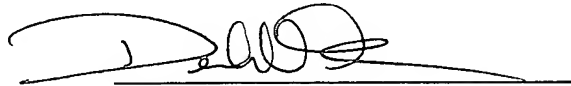
Claims 1-16 were under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 1-37 of U.S. Patent 6,282,992 and provisionally rejected under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 21-25, 40, 41, 57, and 59-69 of copending application No. 09/942,061. The appropriate terminal disclaimers are submitted herewith.

Appl. No. 10/751,722
Amdt. Dated February 13, 2006
Reply to Office Action of Dec. 2, 2005

Conclusion

Allowance of claims 1-2, 5-10, and 12-16 is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Derek V. Forinash', is written over a horizontal line.

Derek V. Forinash
Reg. No. 47,231
CONLEY ROSE, P.C.
P.O. Box 3267
Houston, Texas 77253-3267
(713) 238-8000 (Tel.)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT